IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5605 of 1999

Between:

Thippani Anandam, S/o Komuraiah, R/o Kasibugga, Warangal, Warangal District.

..... PETITIONER

AND

The Kakatiya Urban Development Authority, Rep By its Vice-Chairman
Warangal, Warangal District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction especially one in the Nature of Writ of Mandamus declaring that the action of respondents in rejecting the form "A" declaration as illegal, arbitrary and violative of Article 14 of the Constitution of India and further declare that form "A" declaration submitted by the petitioner is entitled to be considered and accepted.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the sole Respondent: MR.K.VENUGOPAL, REDDY

The Court made the following :

O R D E R:

This writ petition is filed for declaring the action of respondent in rejecting form "A" declaration as illegal, arbitrary and violative of Article 14 of the Constitution of India and also declaring that form "A" declaration submitted by the petitioner may be considered and accepted.

It is the case of petitioner that he is the owner and possessor of 225 square yards of land in S.No.258/C of Enmamula Revenue Mandal, Warangal, having purchased the property under a registered sale deed, dated 02.05.1997. After obtaining necessary permission from the Enamamula Gram Panchayat, dated 22.11.1997, the petitioner started construction of a house. There after, the respondent authorities vide proceedings in RC.No.C3/963/97 dated 19.9.1998 issued a notice to the petitioner asking him to regularize the construction within five days from the date of receipt of the notice. Basing on the proceedings issued by the respondent authorities, the petitioner submitted form ‘A’ declaration before the authorities along with a demand draft bearing No.620627, dated 19.09.1998 for Rs.1960/-. Though the respondent authorities accepted form ‘A’ declaration, returned the demand draft vide letter dated 13.12.1998 on the ground that the last date for filing declaration was over by 12.09.1998 and thereby threatened the petitioner to demolish the building. Against the same, the petitioner filed O.S.No.1001 of 1998 before the Principal Junior Civil Judge, Warangal seeking permanent injunction and also filed I.A.No.1091 of 1998, wherein the court below by order, dated 13.11.1998 granted status quo and restrained the respondent from demolishing the building. It is also the case of the petitioner that though the last date for regularization was further extended to January 1999, the respondent in spite of regularizing the construction, served a notice on the petitioner on 19.09.1998, threatening to demolish the building of the petitioner. Hence, this writ petition is filed.

Though the writ petition is of the year 1999, the respondent did not file any counter. Hence, I am inclined to dispose of the writ petition with a direction to the

respondent to accept Form-A declaration submitted by the petitioner along with a D.D. for Rs.1960/- and pass appropriate orders in accordance with law as expeditiously as possible.

The writ petition is accordingly disposed of. No costs.

_____

E.DHARMA RAO J.,

Dt.20.07.2005

tjs

To

1. The Kakatiya Urban Development Authority, Rep By its Vice-Chairman Warangal, Warangal District.

3) 2 CD copies.